

REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action of the United States Patent and Trademark Office dated July 29, 2005. Claims 2 and 4 are currently pending.

In the Office Action, the Examiner has now rejected independent Claims 2 and 4 under 35 U.S.C. § 102(e) as being unpatentable over *Barber* (U.S. 6,198,947). More specifically, the Examiner asserts that *Barber* discloses all the elements of these claims. However, it is respectfully submitted that the Examiner is incorrect.

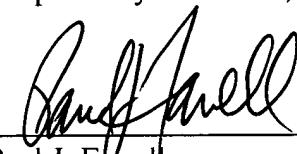
More specifically, for an Examiner to assert that the claim is anticipated by the reference, “No question of obviousness is present. In other words, for anticipation under 35 U.S.C. §102, the reference must teach every aspect of the claimed invention either explicitly or impliedly.” (See MPEP 706.02 (IV))

Barber is directed to a system and method for enabling a mobile communication device to accept a voice command from a user using an external control unit. However, it is respectfully submitted that there is no section of *Barber* in which the user registers the voice commands in the communication device as is recited in rejected Claims 2 and 4. In *Barber*, voice commands, mostly numbers, are spoken into the microphone and respective operations, i.e., the generation of DTMF tones, are transmitted to the mobile communication device. However, in no section of *Barber* does it specifically teach that the user registers the voice commands, i.e., the words that are the voice commands, for controlling the raising or lowering of the volume as is recited in Claims 2 and 4, which would, therefore, be required in an anticipation rejection under 35 U.S.C. §102. Therefore, it is respectfully submitted that the Examiner is incorrect in the rejections of Claims 2 and 4 as being anticipated by *Barber* and it is respectfully requested that the rejection be withdrawn.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely, Claims 2 and 4, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell".

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516
PJF/DMO/las